

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHELLYNE RODRIGUEZ, ALEXANDER NICULESCU and
DANIEL MAIURI,

Plaintiffs,

NOTICE OF REMOVAL

- against -

Case No. # 21 Civ 10815

THE CITY OF NEW YORK, NEW YORK CITY MAYOR BILL DE BLASIO, NEW YORK CITY POLICE DEPARTMENT (NYPD) COMMISSIONER DERMOT SHEA, NYPD CHIEF OF DEPARTMENT TERENCE MONAHAN, NYPD ASSISTANT CHIEF KENNETH LEHR, NYPD LEGAL BUREAU SERGEANT KENNETH RICE, NYPD OFFICER KHALID KHACHFE, NYPD OFFICER FIRST NAME UNKNOWN (“FNU”) DORCH, NYPD OFFICER RAUL FLORES, NYPD DETECTIVE NELSON NIN and NYPD MEMBERS JOHN AND JANE DOES # 1-94,

Defendants.

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**TO: THE UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK**

Defendants THE CITY OF NEW YORK (hereinafter the “City”), NEW YORK CITY MAYOR BILL DE BLASIO, NEW YORK CITY POLICE DEPARTMENT (NYPD), and COMMISSIONER DERMOT SHEA (hereinafter collectively “defendants”), by and through their attorney, Georgia Pestana, Corporation Counsel of the City of New York, respectfully shows this Court as follows:

1. Upon information and belief, on October 26, 2021, the City was served with a Summons and Verified Complaint in the above-entitled action, pending in the Supreme Court of the State of New York, County of Bronx, under Index No. 811943/2021E, naming THE CITY OF NEW YORK (hereinafter the “City”), NEW YORK CITY MAYOR BILL DE BLASIO, NEW YORK CITY POLICE DEPARTMENT (NYPD) COMMISSIONER DERMOT SHEA,

NYPD CHIEF OF DEPARTMENT TERENCE MONAHAN, NYPD ASSISTANT CHIEF KENNETH LEHR, NYPD LEGAL BUREAU SERGEANT KENNETH RICE, NYPD OFFICER KHALID KHACHFE, OFFICER FRED DORCH S/H/A NYPD OFFICER FIRST NAME UNKNOWN (“FNU”) DORCH, NYPD OFFICER RAUL FLORES, and NYPD DETECTIVE NELSON NIN as defendants therein, and setting forth the claims for relief upon which the action is allegedly based. A copy of Plaintiff’s Summons and Verified Complaint, filed September 2, 2021, is annexed hereto as “Exhibit A.”¹

2. On or about December 7, 2021, the City interposed an Answer to the Summons & Complaint. A copy of the City’s Verified Answer, electronically filed on December 7, 2021, is annexed hereto as “Exhibit B.”

3. The above-captioned action is a civil action of which the United States District Court has original jurisdiction in that it includes causes of action which arise under the Constitution and laws of the United States, pursuant to 28 U.S.C. § 1331. This action is therefore removable to the United States District Court without regard to the citizenship or residence of the parties.

4. Plaintiffs bring this lawsuit pursuant to 42 U.S.C. § 1983 alleging, *inter alia*, federal claims of excessive force, failure to intervene, false arrest, violation of the rights of freedom of speech, equal protection, fair trial, and state law claims for false arrest, false imprisonment, assault and battery. See Ex. A.

5. This Notice of Removal is timely because it is being filed within thirty (30) days of receipt of the initial pleading by the City of New York, and all individually named defendants

¹ Although the Summons with Verified Complaint was e-filed on September 2, 2021, upon information and belief the City of New York was not served until November 18, 2021.

who have been served consent to its removal. See 28 U.S.C. § 1446(b); Consents to Removal, annexed hereto as “Exhibit C.”


6. The City will promptly file a copy of this Notice of Removal with the Clerk of the state court in which the action has been pending.

7. The City is unaware of any previous application for the relief requested herein.

WHEREFORE, defendants respectfully requests that the above-captioned action be removed from the Supreme Court of the State of New York, County of Bronx, to the United States District Court for the Southern District of New York.

Dated: New York, New York
December 16, 2021

GEORGIA PESTANA
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